

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

JOSEPHAT HENRY, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
ST. CROIX ALUMINA, LLC, et al.	:	NO. 1999-0036

ORDER

AND NOW, this 28th day of August, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendants for summary judgment (Doc. No. 1313) is GRANTED in part and DENIED in part;

(2) judgment is entered in favor of defendants St. Croix Alumina, LLC and Alcoa, Inc. and against plaintiffs Josephat Henry, Kay Williams, Sylvia Browne, Maude Drew, Antonia Cruz, Martha Acosta, Jose Berrios, Wilhelmina Glasgow, Samantha Viera, Mercedes Rosa, Julian St. Brice, George Rodriguez, Amando Rodriguez, George E. Rodriguez, Sonya Cirilo, Raquel Tavaréz, Neftali Camacho, Angel Javier Camacho, Eyajie Malaykhan, and Cheddie Kelshall, on Count II of the Third Amended Complaint;

(3) judgment is entered in favor of defendants St. Croix Alumina, LLC and Alcoa, Inc. and against plaintiffs Josephat Henry, Kay Williams, Sylvia Browne, Maude Drew, Antonia Cruz, Martha Acosta, Jose Berrios, Wilhelmina Glasgow, Samantha Viera, Mercedes Rosa, Julian St. Brice, George Rodriguez, Amando Rodriguez, George E. Rodriguez, Sonya Cirilo, Raquel Tavaréz, Neftali Camacho, Angel Javier Camacho, Eyajie Malaykhan, and

Cheddie Kelshall, on Counts III and IV of the Third Amended Complaint to the extent that plaintiffs seek compensation for personal injuries;

(4) judgment is entered in favor of defendants St. Croix Alumina, LLC, Alcoa, Inc., and Glencore Ltd. and against plaintiffs Josephat Henry, Kay Williams, Sylvia Browne, Maude Drew, Antonia Cruz, Martha Acosta, Jose Berrios, Wilhelmina Glasgow, Samantha Viera, Mercedes Rosa, Julian St. Brice, George Rodriguez, Amando Rodriguez, George E. Rodriguez, Sonya Cirilo, Raquel Tavaréz, Neftali Camacho, Angel Javier Camacho, Eyajie Malaykhan, and Cheddie Kelshall, on Counts VI, VII, and IX of the Third Amended Complaint;

(5) judgment is entered in favor of defendants St. Croix Alumina, LLC, Alcoa, Inc., and Glencore Ltd. and against plaintiffs Josephat Henry, Kay Williams, Sylvia Browne, Maude Drew, Antonia Cruz, Martha Acosta, Jose Berrios, Wilhelmina Glasgow, Samantha Viera, Mercedes Rosa, Julian St. Brice, George Rodriguez, Amando Rodriguez, George E. Rodriguez, Sonya Cirilo, Raquel Tavaréz, Neftali Camacho, Angel Javier Camacho, Eyajie Malaykhan, and Cheddie Kelshall on Counts I, V, and VIII of the Third Amended Complaint to the extent that plaintiffs seek compensation for personal injuries; and

(6) summary judgment is DENIED in all other respects.

BY THE COURT:

/s/ Harvey Bartle III  
HARVEY BARTLE III C.J.  
SITTING BY DESIGNATION

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ORDER

AND NOW, this 28th day of August, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that our Order of April 13, 2009 is modified to exclude the expert testimony and reports of Dr. Edward Kleppinger only insofar as he opines on issues of causation.

BY THE COURT:

<u>/s/ Harvey Bartle III</u>	
HARVEY BARTLE III	C.J.
SITTING BY DESIGNATION	